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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/849,759 | 05/04/2001 | GerogeAnn Pieters | 00-053 | 2676 |

7590 06/24/2004

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EXAMINER


BOYD, JENNIFER A

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

1771

DATE MAILED: 06/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|------------------------------------|---|
| Office Action Summary | Application No. 09/849,759 | Applicant(s) PIETERS, GEROGEANN | |
| | Examiner Jennifer A Boyd | Art Unit 1771 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10-16, 19 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-16, 19, 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The Applicant's Amendments and Accompanying Remarks, filed April 16, 2004, have been entered and have been carefully considered. Claims 1 – 7, 10 – 16, 19, and 24 are pending. The invention as currently claimed is not found to be patentable for reasons herein below.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 1 – 7, 10 – 16, 19 and 24 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. (US 5,928,778) in view of Davis (US 5,037,700). The details of the rejection can be found in paragraph 2 of the previous Office Action mailed December 18, 2003. The rejection is maintained.

Response to Arguments

4. Applicant's arguments filed April 16, 2004 have been fully considered but they are not persuasive.
5. In response to Applicant's Argument that the bonding/binder layer and outer layer materials of the present invention are not the same as Takahashi, the Examiner respectfully argues the contrary. Please see the rejection in paragraph 2 of the previous Office Action mailed December 18, 2003. The Examiner ***does not attempt*** to equate Takahashi's "abrasion resistant

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coating layer” which comprises particles and a crosslinkable binder resin to Applicant’s “bonding/binding layer” or “outer layer materials”. As seen at the end of paragraph 2 of the previous Office Action, the Examiner equates three of the multiple substrates of Takahashi comprising plastic sheets of acrylic resin (see Takahashi, column 2, lines 27 – 45) to Applicant’s “inner protective layer”, “bonding material” and “outer protective layer”. Takahashi teaches that the substrate can comprise multiple laminated substrates such as a plastic sheet among other substrates (see Takahashi, column 2, lines 65 – 67 and column 3, lines 1 – 5).

6. In response to Applicant’s Argument that the limitation that “the inner protective layer, the bonding material and the outer protective layer include an aqueous acrylic polymer dispersion medium which is applied wet and bonds upon drying” is germane to the issue of patentability, the Examiner respectfully argues the contrary. Although the Examiner has made the statement about the nature of the inner protective layer, bonding material and outer protective layer, the Examiner did acknowledge that the acrylic plastic sheet layers of Takahashi are not explicitly disclosed as being formed from an aqueous acrylic polymer dispersion medium which is applied wet and bonds upon drying and therefore, used the Takahashi reference in combination with Davis to meet those deficiencies.

7. In response to Applicant’s Argument that there is lack of motivation in either Takahashi or Davis or combination thereof to use the adhesive of Davis to laminate the layers of Takahashi together, the Examiner respectfully argues the contrary. The Examiner has used the Davis reference to modify Takahashi to further describe the nature of Takahashi’s plastic sheets. Since Takahashi is concerned with a decorative laminate with excellent flexibility (column 1, lines 1 – 10) and Davis is concerned with flexible laminates (Abstract), it would have been obvious to use

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the acrylic dispersion of Davis to create the plastic sheets of Takahashi. It should be noted that the Examiner is not suggesting using the adhesive of Davis for the “abrasion-resistant coating layer” of Takahashi. The Examiner is interpreting the “abrasion-resistant coating layer” as an additional layer adjacent to Applicant’s “inner protective layer” positioned on the side opposite to Applicant’s “base layer”.

8. In response to Applicant’s Argument that Takahashi does not disclose that an “inner protective layer”, a “bonding material” and an “outer protective layer” can be comprised of an acrylic film, the Examiner respectfully argues the contrary. Takahashi teaches that multiple substrates laminated together may be used as the substrate (column 2, lines 65 – 68 and column 3, lines 1 – 4). Takahashi further notes that one type of substrate can be a plastic sheet (column 2, lines 28 – 29), specifically a single layer or composite of films of synthetic resins (column 2, lines 29 – 30). Takahashi teaches that one type of synthetic resin that can be used is an acrylic resin (column 2, lines 38).

9. In response to Applicant’s Argument that the references fail to show certain features of applicant’s invention such as an aqueous acrylic polymer dispersion which is very safe and easy to work with, can be used with traditional fabrics and equally well suited for commercial mass production as well as home production/use by individuals, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The Examiner suggests that if those are crucial factors which differentiate the present invention from Davis and Takahaski, then the Applicant should put those limitations in the claims.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A Boyd whose telephone number is 571-272-1473. The examiner can normally be reached on Monday thru Friday (8:30am - 6:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jennifer Boyd

June 18, 2004


Ula C. Ruddock
Primary Examiner
Tech Center 1700